IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 27777 of 2004(F)

PETITIONER:

STANELY JOSEPH, S/O. JOSEPH,
AGED 44 YEARS, KOKKAPPILLY HOUSE,
VENAPPARA P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW.

RESPONDENTS:

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1. **THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, REPRESENTED BY ITS DISTRICT EXECUTIVE OFFICER.**

2. **THE STATE OF KERALA THROUGH THE ADDITIONAL SECRETARY TO GOVERNMENT, LABOUR AND REHABILITATION (S) DEPARTMENT, THIRUVANANTHAPURAM.**

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWWF BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27777/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN W.P.(C). 384/04 DTD. 14/01/04 PASSED BY THIS HON'BLE COURT.

EXT.P.2: COPY OF THE FINAL DETERMINATION ORDER FOR THE YEARS 1998 - 2000.

EXT.P.3 SERIES: COPY OF THE MEMORANDUM OF APPEAL PEFERRED BY THE PETITIONER BEFORE THE R.2. ALONG WITH THE STAY PETITION.

EXT.P.4: COPY OF THE ORDER DTD. 31/03/2004 PASSED BY THE R.2. DISMISSING THE APPEAL PREFERED BY THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.27777 of 2004

Dated 6th July, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P4 order passed by the Government, in exercise of its appellate powers under the Kerala Motor Transport Workers Welfare Fund Act. The appeal is rejected on the only ground of delay. The specific ground taken in the writ petition is that copy of the final determination order was received by the petitioner only on 31.1.2004 and hence the appeal dated 13.2.2004, which is admittedly received by the Government on 17.2.2004 is within time. This is not disputed by the first respondent. I quash Ext.P4. There will be a direction to the second respondent to consider Ext.P3 appeal filed by the petitioner on merits, with notice to the petitioner and dispose of the same within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.